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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,270

07/17/2006

Dirk Dobrindt

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7752

1333 7590 10/29/2008  
EASTMAN KODAK COMPANY  
PATENT LEGAL STAFF  
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EXAMINER

SEVERSON, JEREMY R

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

10/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,270	<b>Applicant(s)</b> DOBRINDT, DIRK	
	<b>Examiner</b> Jeremy Severson	<b>Art Unit</b> 3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/5/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 5 February 2008 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Objections***

Claims 5-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “***preferably*** continuous manner” in the fourth line of claim 1 renders the claims indefinite due to the inclusion of the word “preferably” which makes the metes and bounds of the patent protection desired uncertain. For the purpose of expediting prosecution, the claims will be examined as best understood by the examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bakoledis (US 6,523,823).

Regarding claim 1, Bakoledis discloses apparatus for the alignment of a stack of sheets, in particular for the feeder of a printing machine, said apparatus comprising at least one pair of trimming elements (3, 4) which can be adjusted at distances relative to each other in a preferably continuous manner in order to accommodate and align the stack between said trimming elements, characterized in that said trimming elements are coupled with each other, for counter-directional motion, so that an automatic stop means 30 preventing an enlargement of the distance between the trimming elements is provided and so that this stop means can be deactivated if required. See, e.g., col. 2, lines 51 et seq.

Regarding claim 2, Bakoledis discloses apparatus as in Claim 1, characterized in that the stop means comprises, only for reducing the distance between the trimming elements, a free-running free-wheel for an axle of a rotating non-driven positive-locking element 17 which can be moved out of its positive-locked state in order to deactivate the stop means.

Regarding claim 3, Bakoleidis discloses apparatus as in Claim 2, characterized in that the positive-locking element 17 is a gear rolling on a rack.

Claims 1, 2 and 4/2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (US 2002/0080426).

Regarding claim 1, Ito discloses apparatus for the alignment of a stack of sheets, in particular for the feeder of a printing machine, said apparatus comprising at least one pair of trimming elements (11a, 11b) which can be adjusted at distances relative to each other in a preferably continuous manner in order to accommodate and align the stack between said trimming elements, characterized in that said trimming elements are coupled with each other, for counter-directional motion, so that an automatic stop means 17 preventing an enlargement of the distance between the trimming elements is provided and so that this stop means can be deactivated if required.

Regarding claim 2, Ito discloses apparatus as in Claim 1, characterized in that the stop means comprises, only for reducing the distance between the trimming elements, a free-running free-wheel for an axle P of a rotating non-driven positive-locking element which can be moved out of its positive-locked state in order to deactivate the stop means.

Regarding claim 4/2, Ito discloses apparatus as in Claim 2, characterized in that the positive-locking element can be lifted out of its positive-locking state against a spring force.

***Allowable Subject Matter***

Art Unit: 3653

Claim 4/3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Severson whose telephone number is (571)272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy Severson/

/Patrick H. Mackey/

Application/Control Number: 10/586,270

Page 6

Art Unit: 3653

Examiner, Art Unit 3653

Supervisory Patent Examiner, Art  
Unit 3653